

# UNION AND AMERICAN.

SATURDAY, DECEMBER 19, 1874.

COL. BLISSARD is the *Athena Post's* man for the Speakership of the Senate. It says of him: "Without disparagement, no member of the Senate would make a more efficient and popular presiding officer, and we presume, from the favorable manner in which he has been spoken of in West, Middle and East Tennessee, that his nomination will meet very little, if any, opposition."

The pending bill for the future government of the District of Columbia, gives its control to three Commissioners, to be selected by the President. Senator Morton wants them chosen by the people instead of the President. Of course he cannot go back on the voting negroes. But there is not, in Morton's proposition, a slap at Grant, who remains President for over two years yet? Or is it simply that the coming shadow of a Democratic President frightens him?

In the Massachusetts municipal elections, this week, Boston re-elected Mayor Cobb, the Democrats losing one Alderman and gaining seven Councilmen. Worcester, Newburyport and Lowell elected "Reformers" over the Republican ticket. In Boston, there were nine women candidates for the school committee, some of whom are spoken of as "Reformers" and one as a Democrat, and one Miss Julia Howe, an Independent. The women were charged with having used "masculine" line electing officers, "whatever that may mean."

ALBUQUERQUE parallel might be drawn between the boys of Boston Common, one hundred years ago, who braved the British General Gage and his minions, in defense of their snow-balls, and the New Orleans boys, of this generation, who defended their sisters and sweethearts last Thursday against that "quintessence of abominations," Civil Rights. There is somewhat of a contrast, too: the cold blooded New England urchins were fighting for snow, while the warm-hearted Southern lads were defending God's last, best gift to man.

A compulsory education law, similar to that which will come into operation next month in New York, is enforced in England. There is now a novel difficulty in London in the way of exacting compliance with its provisions. The holiday pantomimes and spectacles at the theatres employ hundreds of children, and the pay is six shillings a week. As the fine for parents who do not send their children to school is usually but a shilling, they pay it when brought into court, as they are about once a week, and keep on breaking the law. Higher penalties are proposed.

On the subject of taxing railroad property, which will come before the next Legislature, the *Gallatin Examiner* says that some will favor assessing them like other property, while an effort will be made by others to tax their gross receipts. Another question will be whether the taxes from railroads shall be paid into the hands of the several tax collectors in the counties where the property is located, or directly into the State Treasury through the Comptroller. When such property is taxed, it will add largely to our list of taxable property, and provide a large amount of additional revenue.

COMMENTING on Judge Watson's statement that his salary was first fixed by the Governor and then by the Chancellor, after reference to the Clerk and Master, the *Knoxville Chronicle*, while disclaiming any expression of opinion on the amount of the salary in question, remarks:

There is sometimes, and we may say quite frequently, a sort of recklessness displayed by courts in fixing the fees of receivers, commissioners, administrators, guardians and attorneys. The evidence upon which these fees are fixed is not always the most cautious, nor from disinterested parties. We have frequently heard of exorbitant fees being allowed by courts. Complaints to that effect are made and they are not altogether groundless. The proceedings of courts in such matters should be conducted with due caution. Good men's estates as well as those of the living are sometimes mercilessly depreciated, in a way that would not bear close scrutiny.

AMONG the projects for internal improvements before Congress, about the only good one is that for opening the mouth of the Mississippi. It is not a party measure, and can hardly be called sectional, as all the States between the Alleghenies and the Rockies are interested. The Washington correspondent of the *New York Tribune* thinks there would be little question of success if its friends could only agree how to do it. The contention lies between the jetty plan and the canal plan. If the former be adopted, it is a big job for Capt. Bids, the inventor of the system. If the Fort St. Philip canal be made, it will convert a great deal of now worthless land into rich real estate, especially at its two termini. Thus there is big money for somebody in both plans, and both sides employ large lobbies.

BLISSARD we reproduce a lengthy extract from a speech delivered in New York lately by Hon. W. E. Forster, Member of the British Parliament, embodying the impressions he derived from a recent tour through the South. Several incidental matters make this tribute the more remarkable, and the politics of his audience, the New York Union League, make it extremely valuable. His extensive travels in the South were calculated to impress them—the more so, as, during the war, when the ruling classes of England were generally favorable to the South Mr. Forster stood aloof and almost alone, steadily in favor of the North and the Union. A fact which gives additional sting to his thinly disguised criticism of the Radical policy in the South, is that he happened to be an eminently practical statesman and is universally recognized as such.

## OUR JUDICIARY.

When the rip-roaring Davy Crockett first found himself in the Tennessee Legislature, there were two words continually bandied back and forth, to which he could attach no definite or appreciable meaning. One was the "Government," and the other the "Judiciary," the need for remodeling which seems to have been the main topic of public interest. He attacked dictators and other books in vain. The more he read and listened, the more he was perplexed as to exactly what his colleagues were talking about. Sometimes, just when he thought he was on the case, a member would use the word in a connection that again upset his notions. We cite the incident to show the long period during which the need for reform in the Judiciary has been recognized and discussed in this State.

A correspondent of the *Athena Post*, signing his article "Flexian," suggests a somewhat novel and extensive mode of reform as follows:

The abolishment of the Supreme Chancery and Circuit Courts, or their consolidation. We propose a division of the State into eight judicial districts, the same to constitute a bench, for the business of each judicial district, who shall determine all cases in law and equity brought before them upon their merits—dispensing with juries and parol testimony except when in their discretion justice should otherwise demand, unless in criminal cases the defendant claims a jury. Any person whose cause is just would have less to apprehend from the fallibility of human judgment when a bench constituted of three learned jurists, familiar with law and accustomed to weigh evidence, determine the legal merits, the facts and equity of the case, than when submitted to a jury of ignorant men, however honest their inclination.

Under this plan we might have eight different laws, or eight different constitutions of the law, in force over the State. It may seem far-fetched and unreasonable to suggest the possible return, at some future day, of such a regime as Brownlow's. Yet, we all remember times when it would have seemed much more unreasonable to anticipate Brownlowism. Peace is the time to prepare for war. The jury system, which the Radicals found in full force and dared not overthrow, was the sole thread on which any hope for justice hung, during many recent years in our history. In all ages, reformers have found it wise to set up barriers against tyrants. Amid all our scientific and material progress, human nature does not change. There will be despots in the future as surely as in the past. But we must let "Flexian" expand his mode of reform to the legal ability of the State, we would have the judges elected by the bar. Two potent motives would combine to influence the electors to select a competent Bench. First, it would clearly be to the interest of the practicing lawyers to get out of their way the ablest attorneys and counselors. Secondly, it would certainly be with the profession a matter of professional pride, and this sentiment alone would prompt the people to grant an incompetent judge.

We would have the judges, if not appointed by the bar, at least nominated by the licensed lawyers of the State. Six for each district might be named, and of each district the Legislature confirm three. The same objections suggest themselves as above. In Missouri we have seen all lawyers deprived of their licenses unless they subscribed to a certain test oath. During the greater part of modern English history such tests, sometimes religious, have been required. Legislators might perhaps be trusted, if Tennessee had a guarantee on Providence that she should never be afflicted by such as wrought ruin in the South, or reeked in corruption like some of the North, as Pennsylvania and New York, for instance. Incongruous as it may seem, to submit to popular suffrage the selection of a professional expert—as every judge should be in his profession—yet recent experience with Brownlow's appointees, will make our people slow to countenance any plan involving their own disfranchisement in this matter.

"Flexian" suggests other modifications, among them, that each judge shall hold his office during life or good behavior, subject, however, to deposition for just cause by his two colleagues, with appeal to the Legislature. He also suggests that in case of a vacancy, from any cause, the remaining judges may fill it, and that it might be found politic to select each bench from some other district than that in which they are to serve.

It seems that the Republican members of Congress are still counseling for some sort of financial legislation this session. The bill of Mr. Farwell gains much favor, its leading features being, according to the Washington correspondent of the *New York Herald*, as follows: First, that all restrictions as to the number or circulation of national banks be removed. Secondly, that, from the 1st of July, 1875, a million of greenbacks shall be retired and cancelled each month, this process to proceed till they reach par in gold, the Secretary being authorized to sell bonds if needed to obtain funds for redeeming the greenbacks. In case his bill passes, Farwell has two other measures in reserve, one to relieve the national banks of all national taxation. At present they pay on circulation and deposits some seven millions a year. His last straw is to exempt from State usury laws, all bank paper having less than four months to run. It will be noticed that all this would be for the banks, without any gleam of relief for the people.

The Southern people sell their cotton for a little more than they got before the war, and they buy it back made into prints at about an average of two cents per yard less. This affords one illustration of the manner in which the policy of the Republican party oppresses and ruins the South.

The slight and merely temporary benefit to the South intended by our country is not a result of the protective tariff, but of a horrible protection brought on by Radical legislation and still affecting all industries, even in "protected" New England.

Among the needed investigations that hang fire at Washington, is that of the Central Pacific Railroad, the resolution of the last session ordering it being allowed to rot quietly in some pigeon-hole of the Pacific Railroad Committee. A Washington special to the *Chicago Tribune*, an Administration organ, tells us: "There is no doubt to the minds of those familiar with the matter that the construction of the Central Pacific was for a Credit-Mobility company whose funds and abuses far exceeded those perpetrated by the Oakes Ames concern."

They seem to have all sorts of Leagues in England, Papal and Anti-Papal. The attention of Mr. Disraeli and Mr. Gladstone has been drawn by the United Kingdom Anti-Papal League of Edinburgh to the alleged conspiracy of the Papal League of St. Sebastian to raise soldiers for the purpose of restoring the Pope's temporal power. Mr. Disraeli has formally acknowledged the receipt of the letter addressed to him. Mr. Gladstone thanks the sender, and promises to make further inquiry into the matter, "with reference to the discussion now in progress."

CHIEF JUSTICE NICHOLSON'S VINDICATION. Monthly Appeal.

Elsewhere will be found in to-day's Appeal the letter of Hon. A. O. P. Nicholson, explaining his position as an arbitrator appointed by the last Tennessee Legislature. This defense, or explanation, is unnecessary. The private life of Judge Nicholson has been so clean and pure during the forty years he has been in the public service as to render any explanation as to his motives superfluous, and hence the dignity of his unassailed and exalted name. It is true, the air is tainted with corruption, public jobbery and official peculation, but A. O. P. Nicholson is too dignified and trustworthy a man to have long lived a beautiful and exemplary life to mar the remnant of his days by any mercenary or dishonorable act. He is far above the money-loving spirit of the times as the highest monument in his life is above the money-loving spirit of the times.

THE SENATORSHIP. Dyer's Progress.

Somebody has suggested Judge Porter as a suitable man to represent Tennessee in the United States Senate. We don't know who is the author of this impolitic suggestion, but suppose it was some fool Democrat or disaffected Radical. Judge Porter has been elected by the people of Tennessee Governor for no other purpose than to serve the State in that capacity, and in that capacity they will judge him. He was not elected Governor as a stepping stone to the United States Senate, but simply as Governor, to perform the responsible duties of that high office. He is an able and trustworthy man, and in the belief that he would serve the State acceptably as an executive officer the people elected him. Tennessee needs a good Governor as much as good United States Senators, and if he is not to be deprived of the former to get the latter, when good men are plentiful.

THE SENATORSHIP. Dyer's Progress.

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## NEW ADVERTISEMENTS.

### VALUABLE PROPERTY FOR SALE.

WILL SELL UNDER A POWER OF SALE, in the case of Theodore Watts, Jr., of N. W. McCoy estate, a valuable piece of property lying in the suburbs of Nashville, containing about 100 acres, more or less, and is well improved, has a fine residence, and is situated in one of the best locations for a country place. The property is now in the hands of a tenant, and will be sold in parcels to suit purchasers. Terms—One-third cash, balance one and two years. Notes, with approved security, required. For particulars, apply to ALEX. A. HALL, Special Commissioner, north 14th St., Office, 25 Union street.

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JOHN G. WHITTIER says: "It is the best child's periodical in the world, and I think the editor has great reason to congratulate himself on the success of his venture."

Rev. C. S. ROBINSON, D.D., in the *Sunday-School Times*, gives a clergyman's view:

"I am ready to say that a clearer, purer, more instructive and more entertaining magazine for young people than I have ever seen. It is far more instructive than I have ever seen. It is far more entertaining than I have ever seen. It is far more instructive than I have ever seen. It is far more entertaining than I have ever seen."

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